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Entered: November 29, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

POLYFLOR LIMITED,
Junior Party
(Application 09/807,167,
Inventors: John Granville **Kay**,
Michael Geoffrey Minett, Grenville Seager,
Adrian Lance Entwistle, Craig Lee Crosby),

v.

ALTRO LIMITED,
Senior Party
(Patent 6,579,610,
Inventors: Adrian John **Shortland**
and Karen Alexandra Masters).

Patent Interference No. 105,473 (RES)
(Technology Center 1700)

Decision - Motions - Bd.R. 125(a) and Order

1 Polyflor has filed an unopposed motion seeking to add claims 51-66 to its
2 involved application. The parties also jointly suggest that this interference be redeclared
3 with two counts. Polyflor's motion is granted and the interference will be redeclared as
4 suggested by the parties.

5 The subject matter of this interference, as represented by the current count, is
6 directed to a specified floor covering material. The subject matter of Polyflor's claims 26-
7 34 and Altro's Claims 1-16, 31-39 and 56 is directed to the floor covering. Those claims

have been designated as corresponding to the count. Altro's patent also includes Claims 17-30 which are directed to a method of making a floor covering. Claims 17-30 have been designated as not corresponding to the count. Polyflor's proposed Claims 51-66, like Altro's Claims 17-30, are directed to the method. Polyflor's method claims appear to be substantial copies of Altro's method claims. Polyflor's Claims 51-66 are said to be identical to Claims 35-50 which were previously included in Polyflor's application, but were subject to a restriction requirement and subsequently cancelled.

Entering Polyflor's Claims 51-66 and adding a count directed to the method will allow this interference to proceed on both of the parties' inventions avoiding the need for a separate interference on the method invention at a later date. The motion to add Claims 51-66 is granted and the suggestion to redeclare this interference with two counts is adopted.

Since Polyflor's method claims have not been examined on the merits, the entry of the amendment and the judgment in this interference is without prejudice to further ex parte examination of Polyflor's method claims, including entry of a restriction requirement or rejection of the claims.

ORDER

It is Ordered

1. That the unopposed motion to add Claims 51-66 to Polyflor's application is granted;
2. That a copy of this Order be made of record in Application 09/807,167;
3. That a copy of the paper titled "Amendment in Interference" (Paper 26.001 of this interference) filed with the board by e-mail on November 27, 2006, be made of record in the file history of Application 09/807,167;
4. That the entry of the amendment into Application 09/807,167, is without prejudice to further ex parte examination by an examiner; and
5. That this interference is being redeclared in a separate paper.

cc (electronic mail):

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